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10/599,721	07/30/2007	Jean-Claude Abed	034423/317776	3281

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EXAMINER	
SYKES, ALTREV C	
ART UNIT	PAPER NUMBER
1794	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/599,721	ABED ET AL.	
	Examiner	Art Unit	
	ALTREV C. SYKES	1794	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *01 December 2009*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1 and 3-18* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1 and 3-18* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. The amendment to the claims filed December 1, 2009 is acknowledged by examiner and has been entered. Claim 2 has been cancelled. Claims 1 and 3-18 are pending.

Response to Arguments

2. Applicant's arguments with respect to claims 1 and 3-18 have been considered but are moot in view of the new ground(s) of rejection necessitated by the amendment.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 9 and 12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. Regarding claims 9 and 12 a broad range or limitation together with a narrow range or limitation that falls within the broad range or limitation (in the same claim) is considered indefinite, since the resulting claim does not clearly set forth the metes and bounds of the patent protection desired. See MPEP § 2173.05(c). Note the explanation given by the Board of Patent Appeals and Interferences in *Ex parte Wu*, 10 USPQ2d 2031, 2033 (Bd. Pat. App. & Inter. 1989), as to where broad language is followed by "such as" and then

narrow language. The Board stated that this can render a claim indefinite by raising a question or doubt as to whether the feature introduced by such language is (a) merely exemplary of the remainder of the claim, and therefore not required, or (b) a required feature of the claims. Note also, for example, the decisions of *Ex parte Steigewald*, 131 USPQ 74 (Bd. App. 1961); *Ex parte Hall*, 83 USPQ 38 (Bd. App. 1948); and *Ex parte Hasche*, 86 USPQ 481 (Bd. App. 1949). For example, claim 3 recites the broad limitation of dynamic viscosities in the range of 3000 mPas to 33000 mPas, and the claim also recites *preferably* 4000 mPas to 6000 mPas which is the narrower statement of the range/limitation. (*emphasis* added) In claim 9 recites the broad recitation of polyolefins, PA, or polyester, and the claim also recites *preferably* polypropylene which is deemed the narrower statement of the limitation. (*emphasis* added)

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.

4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

8. Claims 1 and 3-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Langley (US 5,560,974) in view of Groitzsch et al. (US 6,448,462) and further in view of Anderson et al. (US 2004/0029469).

Regarding claims 1-9 Langley discloses breathable non-woven composite fabric having barrier capabilities to biological liquids comprised of at least one non-woven layer bonded to at least one surface of a thermoplastic microporous film. (See Abstract) Langley discloses the breathable non-woven composite barrier fabrics are impervious to water-based liquids such as body fluids but which allow passage of water vapor. (See Col 1, lines 13-16) Langley discloses the utilized microporous films have a structure that enables vapors to flow through the films while blocking liquids. Such films are generally opaque, even when made of a transparent material because the surfaces of the internal structure scatter visible light. (See Col 1, lines 48-54) Langley discloses spun-bonded polypropylene or polyethylene or co-polymers of polyolefins are suitable for use in the fabrication of the breathable non-woven composite barrier fabric and are available from various sources. (See Col 6, lines 10-12) Langley discloses the non-woven thermoplastic layer of web materials have a weight of from about 0.2 to about 2.5 ounces per square yard with about 0.5 to about 1.0 being preferred. (See Col 6, lines 3-5) As such, examiner equates the web material basis weight as taught by Langley (through simple unit conversions) to range between 6.78 g/m^2 and 84.76 g/m^2 with a range of 16.95 g/m^2

to 33.91 g/m^2 being preferred. Therefore, the weight per unit area limitations as claimed by applicant are taught by the prior art. Langley further discloses applications for such fabrics exist in the field of protective garments for medical technicians, laboratory workers, and the like where it is desired to prevent passage of blood or other body fluids to the body of the worker or from the worker to the patient while allowing passage of water vapor. Garments with such characteristics provide enhanced comfort for the wearer by allowing perspiration to escape, consistent with maintaining a barrier to passage of liquids. (See Col 1, lines 16-23) Langley discloses all of the claim limitations as set forth above but the reference is not explicit to a low fiber titer.

Groitzsch et al. discloses a microfilament nonwoven fabric with a mass per unit area of 30 to 150 g/m^2 having a titer of 1.5 to 5 dtex for the continuous multicomponent filaments therein. (See Abstract) Groitzsch et al. discloses that the nonwoven fabric for medical bandaging that has high gas and water vapor permeability. (See Col 1, lines 30-36) Groitzsch et al. discloses a particularly advantage is one in which the continuous multicomponent filament composed of polyesters together with polypropylene, polyethylene, and polyamide 6. (See Col 1, lines 64-67 and Col 2, lines 1-8) Groitzsch et al. discloses the nonwoven material may be spunbonded. (See Example 1).

As Langley and Groitzsch et al. are both directed to spunbonded nonwoven fabrics of polymeric materials, the art is analogous. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention motivated by expected success to

utilize the titer as taught by Groitzsch et al. for the polymer fibers in the nonwoven of Langley since Groitzsch et al. teaches that the low fiber titer is favorable for achieving high water vapor permeability in fabrics, which is also a goal of Langley. (See Groitzsch et al. Col 1, lines 30-36 and See Langley Col 1, lines 16-23) Modified Langley discloses all of the claim limitations as set forth above, but the reference does not specifically teach the polymer fibers have a non-circular cross section as claimed by applicant.

Anderson et al. discloses a composite sheet material which is permeable to moisture vapor but which forms a barrier to the passage of water. (See [0002]) Anderson et al. discloses the composite sheet material includes a nonwoven substrate. (See [0009]) Anderson et al. discloses in one embodiment, the nonwoven substrate comprises a spunbonded nonwoven fabric formed of polypropylene filaments. (See [0010]) Anderson et al. discloses cross-sectional configurations such as circular, trilobal or multilobal cross-sections can be employed for the fibers or filaments, if desired. (See [0023])

As modified Langley and Anderson et al. are all directed to spunbonded nonwoven fabrics, the art is analogous. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention motivated by expected success to utilize the polypropylene cross-sectional configurations as taught by Anderson et al. for the polypropylene fibers as disclosed by Langley since Langley is not explicit to a particular cross-section for the fibers and Anderson is noted to be in the same field of endeavor (i.e. vapor permeability but liquid impermeability).

Further regarding claims 1 and 4, it is the position of the examiner that the spunbonded nonwoven fabric of modified Langley would readily contain polymer fibers having a preferred direction since the direction of the fibers would obviously be a result of the fabric making process. Regarding the additional limitation that the polymer fibers are along and transverse to the machine direction, examiner notes that applicant discloses fleeces which are produced according to *a spunbond process* in which the spun fibers are laid, directly after they are spun, on a transport belt, where they form a fleece, are well known according to the state of the art. (See instant specification pg. 1, 2nd paragraph, *emphasis* added) Therefore, examiner concludes that a spunbonding process in and of itself would inherently produce the configuration as claimed by applicant. As such, one of ordinary skill in the art at the time of the invention would have readily expected for the spunbond fabric of modified Langley to provide a fleece having the preferred direction as claimed by applicant, there being no showing with evidence to the contrary.

Regarding the limitations of claims 1, 5, 7, and 8 that the spunbond fleece has a high optical opacity, a high physical opacity or a combination of both, examiner notes that one of ordinary skill in the art at the time of the invention would have been easily motivated to modify the optical opacity and physical opacity to meet the claimed ranges of applicant with the desire to tailor the fabric for end use. Specifically, Langley discloses the breathable non-woven composite barrier fabrics are impervious to water-based liquids such as body fluids but allow passage of water vapor. (See Col 1, lines 13-16) As such,

examiner notes that the fabric of Langley is expected to exhibit the property of high air permeability in order to allow for only water vapor to pass through thereby providing high physical opacity. Further, Langley discloses the utilized microporous films have a structure that enables vapors to flow through the films while blocking liquids. Such films are generally opaque, even when made of a transparent material because the surfaces of the internal structure scatter visible light. (See Col 1, lines 48-54) Therefore, examiner notes that light permeability of the final fabric would be expected to be low thereby providing for high optical opacity. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to optimize the optical opacity and physical opacity since it has been held that, where the general conditions of a claim are disclosed in the prior art, it is not inventive to discover the optimum or workable ranges by routine experimentation. *In re Aller*, 220 F.2d 454, 456, 105 USPQ 233, 235 (CCPA 1955). The burden is upon the Applicant to demonstrate that the claimed optical opacity and physical opacity is critical and has unexpected results. In the present invention, one would have been motivated to optimize the optical opacity and physical opacity motivated by the desire to tailor the fabric for end use. (See Col 1, lines 16-23)

Regarding claim 10, Langley discloses a non-woven web layer is adhesive bonded to a microporous film of polyolefin materials either on one side only or on both sides of the microporous film. (See Col 1, lines 25-28) Langley discloses various resins, starches and even hot melted adhesives add to the total chemical adhesive list. These adhesive systems usually exist in aqueous dispersions but can be added to the non-woven composite

materials as solutions or solids in thermal plastic form. (See Col 2, lines 40-45) Typical application methods include printing and spraying. (See Col 2, lines 45-46)

Regarding claims 11 and 13, Langley discloses in order to achieve adhesive bonding of the non-wovens and the microporous film; a non-continuous adhesive bonding is required which allows the functionality of the microporous film to continue, which allows for various fabric end use. (See Col 5, lines 2-7) Langley discloses point or spot applications of the adhesives whether in liquid or powder form can achieve the goals of both the performance and strength. (See Col 5, lines 8-17) Langley discloses the thermal bonding of the webs and film is at multiple spaced-apart locations. The thermal bonding is achieved under control dwell time which allows appropriate bonding for strength basis and yet avoids burn-through degradation of the composite webs and film. (See Col 4, lines 58-62) Therefore, one of ordinary skill in the art would expect for the adhesive to only penetrate the surface of the fabric. Because Langley is explicit about point or spot applications of the adhesives, it would have been obvious to one of ordinary skill in the art to optimize the portion of adhesive per m2 motivated by the desire to tailor the performance and strength for various fabric end uses. (See Col 5, lines 2-7)

Regarding claim 12, examiner notes that applicant's disclosure of an adhesive is very brief. (See pg. 7, 3rd paragraph) As such, it is noted that there is no mention of an adhesive in either of the provided examples of applicant and there are no additional steps disclosed which would be required for tailoring the adhesive to have the properties as

claimed by applicant. Langley discloses various resins, starches and even hot melted adhesives add to the total chemical adhesive list. These adhesive systems usually exist in aqueous dispersions but can be added to the non-woven composite materials as solutions or solids in thermal plastic form. (See Col 2, lines 40-45) Typical application methods include printing and spraying. (See Col 2, lines 45-46) Therefore, a prima facie case of obviousness exists for one of ordinary skill in the art to choose an appropriate adhesive as required by the final fabric end use. It also would have been obvious to one of ordinary skill in the art to optimize the dynamic viscosity based on the chosen adhesive application method.

Regarding claim 14, Langley does not specifically disclose inorganic salts or other additives added to the spunbond fleece.

Anderson et al. discloses typically additives are incorporated in the thermoplastic filaments or fibers of the substrate at conventional levels, e.g., on the order of about 0.5 to 2% by weight. (See [0023]) Anderson et al. also discloses if a white color is desired, titanium dioxide pigment can be used at comparable levels, or blends of titanium dioxide with carbon black or with other colored pigments could be employed. (See [0023])

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to utilize the addition of additives as taught by Anderson et al. for the fabric of Langley in order to further tailor the fabric to meet aesthetic requirements.

Regarding claims 16-18, Langley discloses applications for such fabrics exist in the field of protective garments for medical technicians, laboratory workers, and the like where it is desired to prevent passage of blood or other body fluids to the body of the worker or from the worker to the patient while allowing passage of water vapor. Garments with such characteristics provide enhanced comfort for the wearer by allowing perspiration to escape, consistent with maintaining a barrier to passage of liquids. (See Col 1, lines 16-23) Langley further discloses the microporous films have been used individually in applications for filtration of solids, as diffusion barriers or separators in electrochemical cells and in the preparation of synthetic leather, or cloth laminates. Use as cloth laminates require permeability of water vapor while substantially blocking liquid water for applications such as synthetic shoes, raincoats and outerwear and the like. Microporous films are also utilized for filter cleaning antibiotics, beer, oils, bacteriological broths, microbiological samples, intravenous fluids, vaccines and the like. These films have also been utilized to make surgical dressings, bandages and other fluid transmissive medical applications. Such microporous films generally need to be laminated in order to fabricate garment materials for purposes of strength. (See Col 1, lines 61-67 and Col 2, lines 1-8) Therefore, it would have been obvious to one of ordinary skill in the art to provide a hygiene product, filter material, or household cloth comprising the spunbond fabric of Langley since the reference is explicit to laminating the fabric to microporous films designed for such purposes.

9. Claims 11-13, 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Langley (US 5,560,974) in view of Groitzsch et al. (US 6,448,462) and further in view of Anderson et al. (US 2004/0029469) as set forth above, and further in view of Wehner et al. (US 6,063,981).

This rejection maintains the position that the Langley prior art is deemed relevant to the instant claims; however, the position taken below is in the alternative of that set forth above.

Regarding claims 11 and 13, modified Anderson et al. discloses all of the claim limitations as set forth above, but the reference does not specifically disclose the fabric has a low penetration of adhesive in the amount between 0.5 g/m^2 and 10 g/m^2.

Wehner et al. discloses a disposable absorbent product comprising a nonwoven material, such as a breathable film which exhibits desirable aesthetic properties and an adhesive which exhibits unique rheological properties. (See Col 2, lines 34-41) Wehner et al. discloses the use of such an adhesive results in a reduced visibility of the adhesive through the outer sheets of the absorbent product. (See Col 1, lines 8-11) Wehner et al. discloses exemplary materials suitable for use as the topsheet are liquid-permeable materials, such as spunbonded polypropylene. (See Col 4, lines 1-4) Wehner et al. discloses the adhesive is contacted with a breathable film/nonwoven laminate. (See Col 4, lines 9-11) Wehner et al. discloses the film layer suitably comprises a polyolefin

polymer. (See Col 5, lines 14-30) Wehner et al. discloses the adhesive will be applied to a substrate in an amount that is beneficially between about 0.5 gram to about 10 grams per square meter of applied surface area of the adhesive. (See Col 11, lines 30-35) Wehner et al. discloses further, if the adhesive is present in a disposable absorbent product in too small of an amount, the disposable absorbent product will generally exhibit poor integrity or tensile strength. In contrast, if the adhesive is present in a disposable absorbent product in too large of an amount, the disposable absorbent product may more readily exhibit adhesive staining, more readily exhibit heat degradation of a topsheet or backsheet substrate, or be more expensive to manufacture due to the use of an amount of the adhesive that is greater than is really needed. (See Col 11, lines 16-29)

As modified Anderson and Wehner et al. are both directed to the use of spunbonded polypropylene fabrics in articles, the art is analogous. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to utilize a low penetration of adhesive as taught by Wehner et al. for the nonwoven fabric as disclosed by modified Anderson motivated by expected success and the desire to provide a nonwoven material that has reduced visibility of the adhesive in the final article produced. (See Col 1, lines 8-11) Further, it would have been obvious to one of ordinary skill in the art at the time of the invention motivated by expected success to tailor the amount and type of adhesive as taught by Wehner et al. to that as claimed by applicant for use in the nonwoven fabric of modified Anderson in order to provide a nonwoven fabric of particular intended use as a substrate for a disposable product.

Regarding claim 12, modified Anderson et al. discloses all of the claim limitations as set forth above, but the reference does not specifically disclose a dynamic viscosity for the adhesive.

Wehner et al. discloses a bonding agent or tackifying agent is used to permit bonding of the film layer to a nonwoven layer. Generally, examples of bonding agents include, but are not limited to, polyamides, ethylene copolymers such as ethylene vinyl acetate, ethylene ethyl acrylate, ethylene acrylic acid, ethylene methyl acrylate and ethylene normal-butyl acrylate, wood rosin and its derivatives, hydrocarbon resins, polyterpene resins, atactic polypropylene and amorphous polypropylene. Also included are predominately amorphous ethylene propylene copolymers commonly known as ethylene-propylene rubber and a class of materials referred to as toughened polypropylene and olefinic thermoplastic polymers where ethylene-propylene rubber is mechanically dispersed or molecularly dispersed via in-reactor multistage polymerization in polypropylene or polypropylenelpolyethylene blends. (See Col 5, lines 14-30)

Examiner notes that applicant's disclosure of an adhesive is very brief. (See pg. 7, 3rd paragraph) As such, it is noted that there is no mention of an adhesive in either of the provided examples of applicant and there are no additional steps disclosed which would be required for tailoring the adhesive to have the properties as claimed by applicant. Therefore, it would have been well within the ordinary skill of one in the art at the time

of the invention to utilize the teaching of Wehner et al. for bonding and tackifying agents in order to provide an adhesive as claimed by applicant motivated by expected success of producing an article comprising a nonwoven material with a favorable adhesive thereon.

Regarding claim 15, Anderson et al. discloses typically additives are incorporated in the thermoplastic filaments or fibers of the substrate at conventional levels, e.g., on the order of about 0.5 to 2% by weight. (See [0023]) Anderson et al. also discloses if a white color is desired, titanium dioxide pigment can be used at comparable levels, or blends of titanium dioxide with carbon black or with other colored pigments could be employed. (See [0023])

Wehner et al. discloses both organic and inorganic fillers are contemplated provided that they do not interfere with the film formation process, the breathability of the resultant film or, if desired, its ability to thermally bond to a fibrous polyolefin nonwoven web. Examples of fillers include calcium carbonate ($CaCO_3$), and titanium dioxide. (See Col 5, lines 1-14)

Therefore, it would have been obvious to one of ordinary skill in the art motivated by expected success to utilize the additives as claimed by applicant since the prior art teaches doing so would be favorable depending on the intended use of the final product.

Regarding claim 16, Wehner et al. discloses exemplary materials suitable for use as the topsheet of the disposable absorbent article are liquid-permeable materials, such as spunbonded polypropylene. (See Col 4, lines 1-4) Therefore, the limitation of a spunbond fleece used in a hygiene product is met by the prior art.

10. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Pike et al. (US 5,597,645) a filter medium for gaseous fluids, comprising a nonwoven web. (See Col 1, lines 4-6) Pike et al. discloses as a particularly desirable embodiment, the filter media are produced from a nonwoven web of crimped spunbond conjugate filaments. (See Col 3, lines 57-59)

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ALTREV C. SYKES whose telephone number is (571)270-3162. The examiner can normally be reached on Monday-Thursday, 8AM-5PM EST, alt Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Larry Tarazano can be reached on 571-272-1515. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/D. Lawrence Tarazano/
Supervisory Patent Examiner, Art Unit 1794

/ACS/
Examiner
2/13/10